

A Resolution

No. 3646-08-2008

A Resolution for the Employment of Michael J. Booth with the Law Firm of Booth, Ahrens and Werkenthin, P.C., as Outside Legal Counsel to Advise the City Concerning the Negotiation and Drafting of the New Wholesale Water Contracts

WHEREAS, the City of Fort Worth has entered into several Wholesale Water Contracts for the sale of treated water and which will expire in 2010; and

WHEREAS, a specific need has arisen to address legal issues involved with negotiating and drafting wholesale water contracts; and

WHEREAS, Michael J. Booth with the law firm of Booth, Ahrens and Werkenthin, P.C., has substantial expertise in negotiating and drafting wholesale water contracts and has agreed to assist the City in this matter.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

1.

That the City Attorney is hereby authorized to retain Michael J. Booth with the law firm of Booth, Ahrens and Werkenthin, P.C., as outside counsel pursuant to Chapter VI, Section 3 of the City Charter to assist and advise the City Attorney in the undertaking of certain procedures related to the negotiation and drafting of new wholesale water contracts.

2.

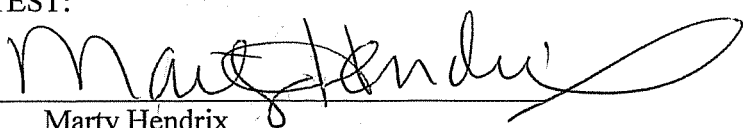
That, as far as practicable, the compensation to be paid to the law firm of Booth, Ahrens and Werkenthin, P.C., shall not exceed fourteen thousand seven hundred dollars (\$14,700.)

AND IT IS SO RESOLVED.

Adopted this 19th day of August, 2008.

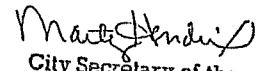
ATTEST:

By:


Marty Hendrix
City Secretary

APPROVED
CITY COUNCIL

AUG 19 2008


City Secretary of the
City of Fort Worth, Texas



CITY OF FORT WORTH

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 8/19/2008 - Res. No. 3646-08-2008 & Ord. No. 18221-08-2008

DATE: Tuesday, August 19, 2008
LOG NAME: 12WHOLESALECONT

REFERENCE NO.: **G-16231

SUBJECT:

Adopt Resolution Authorizing the Employment of Outside Legal Counsel, in an Amount Not to Exceed \$14,700.00, to Assist and Advise the City on Legal Issues Related to the Negotiation and Drafting of the Wholesale Water Contracts and Adopt Appropriation Ordinance

RECOMMENDATION:

It is recommended that the City Council authorize the City Manager to:

1. Adopt the attached resolution authorizing the City Attorney to retain the law firm of Booth, Ahrens and Werkenthin, P.C., and designate Michael J. Booth as outside legal counsel pursuant to Chapter VI, Section 3, of the City Charter to assist the City Attorney with legal issues related to the negotiation and drafting of its Wholesale Water Contracts, and designating in advance, as far as practicable, the compensation to be paid to Booth, Ahrens and Werkenthin, P.C., in an amount not to exceed \$14,700.00; and
2. Adopt the attached supplemental appropriation ordinance increasing appropriations in the Water and Wastewater Fund by \$14,700.00 and decreasing the unaudited, unreserved, undesignated fund balance by the same amount.

DISCUSSION:

The Water Department and its wholesale water customers have used the Wholesale Water Contract as the agreement by which customer cities have bought treated water from Fort Worth. These contracts will expire on December 31, 2010.

In advance of this expiration date the Water Department sought proposals from qualified firms with technical, industry and legal expertise specific to these wholesale water agreements to assist staff in the review and negotiation of new Wholesale Water Contracts with its wholesale water customers. An evaluation team consisting of staff and representatives of the Wholesale Customer Advisory Committee reviewed the proposals and presentations by the firms consulting. The team recommended that the Water Department contract with R.W. Beck, Inc. The Water Department, by a separate M&C, is recommending that R.W. Beck, Inc., be awarded the contract to assist the City with technical and industrial expertise in negotiating the new Wholesale Water Contract. R.W. Beck, Inc., has suggested that Booth, Ahrens and Werkenthin, P.C., serve as the legal counsel to assist the City in drafting and negotiating the new Wholesale Water Contracts.

If the City Council approves the recommendation of R.W. Beck, Inc., as the consultants for the new Wholesale Water Contracts by a separate M&C, then subsequent to said approval, in accordance with Chapter VI, Section 3, of the City Charter, the City Attorney recommends that Mr. Michael J. Booth with the law firm of Booth, Ahrens and Werkenthin, P.C., be retained to assist the City Attorney with regard to the legal issues concerning the negotiation and drafting of new Wholesale Water Contracts.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that upon approval of the above recommendations and adoption of the attached supplemental appropriation ordinance, funds will be available in the current operating budget, as appropriated, of the Water and Wastewater Fund. Upon approval, the unaudited, unreserved, undesignated cash balance of the Water and Wastewater Fund will be \$18,609,575.46.

TO Fund/Account/CentersPE45 539120 0609000\$14,700.00**FROM Fund/Account/Centers**PE45 539120 0609000\$14,700.00**Submitted for City Manager's Office by:**

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